

OPINION 1264

OSCINIS PLUMIGERA LOEW, 1860 (INSECTA, DIPTERA):
SUPPRESSION BY USE OF THE PLENARY POWERS

RULING. — (1) Under the plenary powers, the specific name *plumigera* Loew, 1860, as published in the binomen *Oscinis plumigera*, is hereby suppressed for purposes of both the Law of Priority and the Law of Homonymy.

(2) The specific name *plumigera* Loew, 1860, as published in the binomen *Oscinis plumigera*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1127.

HISTORY OF THE CASE Z.N.(S.)2146

An application for the use of the plenary powers to suppress the specific name *plumigera* Loew, 1860, was first received from Dr C. W. Sabrosky (*U.S. National Museum, Washington, D.C. 20560*) on 18 September 1975. It was sent to the printer on 3 July 1979 and published on 25 October 1979 in *Bull. zool. Nom.* vol. 36, pp. 191–192. Public notice of the possible use of the plenary powers in the case was given in the same part of the Bulletin as well as to the statutory serials, to eight general serials and seven specialist serials. No comment was received.

DECISION OF THE COMMISSION

On 6 July 1983 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1983)1 for or against the proposals set out in *Bull. zool. Nom.* vol. 36, p. 192. At the close of the voting period on 6 October 1983 the state of the voting was as follows:

Affirmative Votes — sixteen (16) received in the following order: Melville, Holthuis, Schuster, Willink, Mroczkowski, Savage, Hahn, Starobogatov, Trjapitzin, Uéno, Bayer, Binder, Corliss, Ride, Brinck, Halvorsen

Negative Vote — one (1) Dupuis.

Sabrosky abstained. Alvarado, Cocks, and Heppell all returned late affirmative votes. Welch was on leave of absence. No voting papers were returned by Kraus, Bernardi, Lehtinen and Cogger.

The following comments were returned by members of the Commission with their voting papers:

Dupuis: 'Je vote contre, car j'estime que nous sommes en présence d'une simple homonymie secondaire. Ce qui est en cause n'est d'ailleurs pas la requête de Sabrosky, mais la définition tout à fait mauvaise de l'homonymie dans le Code.'

ORIGINAL REFERENCE

The following is the original reference to the name placed on an Official Index by the ruling given in the present Opinion:

plumigera, *Oscinis*, Loew, 1860, *Öfvers. K. Vetenskaps-Akad. Förh.*, vol. 17, p. 95.

CERTIFICATE

I hereby certify that the votes cast on Voting Paper (1983)1 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1264.

R. V. MELVILLE

Secretary,

International Commission on Zoological Nomenclature

London

29 November 1983